

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

ROGER EARL COLEY,)	
)	
Plaintiff,)	
)	
v.)	1:21CV79
)	
SERGEANT JEFFREY HONEYCUTT,)	
et al.,)	
)	
Defendants.)	

ORDER

On November 2, 2021, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Plaintiff filed objections (Doc. 5) within the time limit prescribed by § 636.

The court has reviewed Plaintiff's objections *de novo* and finds that they do not change the substance of the United States Magistrate Judge's Recommendation (Doc. 3), which is affirmed and adopted.

To the extent Plaintiff may be contending that he suffered some physical injury in the past, that is not sufficient to show imminent future danger of serious physical injury. See, e.g., Meyers v. Commissioner, 801 F. App'x 90 (4th Cir. 2020) ("Congress intended that a three-strikes prisoner have opportunity to ask the court for its aid in addressing a danger that is close at hand,

not a past infraction.").¹

IT IS THEREFORE ORDERED that this action is dismissed *sua sponte* without prejudice to Plaintiff filing a new complaint on the proper § 1983 forms, accompanied by the filing fee or the requisite showing of imminent danger of serious physical injury.

 /s/ Thomas D. Schroeder
United States District Judge

January 10, 2022

¹ Unpublished decisions of the Fourth Circuit are not precedential but are cited for their persuasive authority of their reasoning. See Collins v. Pond Creek Mining Co., 468 F.3d 213, 219 (4th Cir. 2006).